

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the )  
relation of State Engineer, )  
                                  )  
Plaintiff,                    )  
                                  )       69cv07941- JEC-ACE  
-v-                            )  
                                  )       RIO CHAMA STREAM SYSTEM  
RAMON ARAGON et al.,        )  
                                  )  
Defendants.                    )  
\_\_\_\_\_)

**NOTICE OF FILING**

On August 1, 2002, the Special Master filed the attached Motion requesting the Court to approve interim fees and expenses and Report summarizing her services.

\_\_\_\_\_  
/electronic signature/  
VICKIE L. GABIN, SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the )  
relation of State Engineer, )  
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Plaintiff, )  
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RAMON ARAGON et al., )  
                                  )  
Defendants. )  
                                  )  
\_\_\_\_\_  
                                  )

**MOTION OF SPECIAL MASTER  
FOR INTERIM FEES AND EXPENSES**

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, law clerk, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from January 1, 2002 through June 30, 2002. Most of the fees and expenses have already been paid from the trust account.

## I. WORK PERFORMED

### A. Case management

1. The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), Section 5 (Rio Gallina), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders, acknowledgments, and motions relevant to subfile activity in these sections. The Office of the State Engineer's hydrographic survey staff is working steadily to complete surveys and hold field sessions to meet with individual water rights claimants who have problems with their consent orders.

2. The remaining Rio Chama hydrographic survey to be completed is designated Section 7, Tierra Amarilla. Reports and maps for the Rutherford/Plaza Blanca subsection were filed May 7, 2002. Depending on OSE resources, survey work for the remaining two subsections - Cañones Creek and the Village of Chama - should be completed and reports filed by the end of 2002.

### B. Section 5 adjudication

Very few disputed subfiles remain in this section of the adjudication. I held a pretrial conference in Gallina April 27; the latest prehearing order in that case states that hearings will be concluded by March, 2003.

### C. Section 3 adjudication

The adjudication of individual water rights claimants proceeds pursuant to the Procedural Order I entered July 25, 2000, as amended. Numerous consent orders have been processed and filed. D

### Section 7 adjudication

The Interim Procedural Order entered November 26, 2001 (No. 6414) continues to guide the

course of the adjudication of Section 7 water rights claims. The Rio Brazos hydrographic survey was filed in December, 2001. I attended the first general meeting for that area in January. Numerous consent orders have been processed and filed; no further court action should be required until the adjudication of Section 5 is completed and more progress is made in adjudicating rights in Section 3. E. Pending reports

While day-to-day case management of the federal cases takes the majority of my time, work continues on two pending special master reports - the United States' Wild and Scenic River claims, and priorities for three mainstem acequias.

F. Federal and Indian water rights claims

The State is still formulating its position with respect to certain legal issues.

## II. DECLARATION

### DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, and Ellen Pinnes, Esq., law clerk, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: July 31, 2002

/electronic signature/

VICKIE L. GABIN, SPECIAL MASTER